

W. CARY EDWARDS, ATTORNEY  
GENERAL OF NEW JERSEY

Plaintiff,

v.

NAT SLADKIN and PAULA SLADKIN,  
individually and t/a PET DEPOT,  
THE PET BARN, and PETS, PETS,  
PETS, INC., a New Jersey Corp.

Defendants.

Civil Action

CONSENT JUDGMENT FILED

NOV 10 1986

M. DEAN HAINES  
COUNTY CLERK  
NEW JERSEY

This matter having been presented on October 22, 1986 before the honorable Henry H. Wiley, J.S.C., by plaintiff, Attorney General of New Jersey (Sue P. Yang, Deputy Attorney General, appearing) and Nola Trustan Long, Esq., attorney appearing for all the defendants, on plaintiff's action for violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. ("Act") and regulations promulgated thereunder, and the parties having reached a resolution of this matter and of all claims against defendants Nat Sladkin and Paula Sladkin and their business

entities involving sale of animal businesses in the State of New Jersey in which they held or continues to hold or control more than 10% of any class of stock, is a director, officer or employee (with managerial or operating authority), and the Court having read the terms of this resolution and having also read the affidavit signed by Nat Sladkin and Paula Sladkin of their understanding and acceptance of this resolution, and for good cause shown.

IT IS on this 7<sup>th</sup> day of Nov. , 1986,

ORDERED AND ADJUDGED:

1. Defendants, Nat Sladkin and Paula Sladkin, their employees, agents, representatives, officers or directors are permanently enjoined from engaging in acts and practices in violation of the New Jersey Consumer Fraud Act N.J.S.A. 56:8-1 et seq. and the Sale of Animals regulations promulgated thereunder, N.J.A.C. 13:45A-12.1 et seq., including but not limited to:

- (a) Selling animals unfit for purchase, or clinically ill.
- (b) Failing to provide animal pedigree registry papers to consumers when defendants represent that the animals are so registered or registerable.
- (c) Failing to notify the consumer and the Director of the Division of Consumer Affairs in writing within five business days following contested cases of alleged unfit for purchase certifications from the consumer's veterinarian.
- (d) Failing to provide consumers with the notice set forth in N.J.A.C. 13:45A-12.2 (j) in 10 point boldface type.
- (e) Failing to provide consumers with the required warning set forth in N.J.A.C. 13:45-12.2 (b) in 10 point boldface type.

- (f) Attempting to secure a waiver of the provisions of N.J.A.C. 13:45A-21.1 et seq.
- (g) Providing consumer with terms in the puppy guarantee and puppy protection plans that fail to comply with the requirements of N.J.S.A. 56:8-2, N.J.A.C. 13:45A-21.1 et seq.
- (h) Misrepresenting deformed or sick animals to be healthy and fit.
- (i) Misrepresenting mixed breed animals to be pure-bred.

2. Defendants, Nat Sladkin and Paula Sladkin, their employees, agents, representatives, officers or directors are permanently enjoined, from directly or indirectly diagnosing, prognosing, treating, administering, prescribing, dispensing, operating on, manipulating, applying any apparatus or appliance for disease, pain, deformity, defect, injury, wound or physical condition of any animal unless and until defendants shall become licensed to practice veterinary medicine in the State of New Jersey pursuant to the provisions of N.J.S.A. 45:16-8.1 and N.J.S.A. 45:16.9.

3. Nat Sladkin and Paula Sladkin shall jointly and severally pay the New Jersey Division of Consumer Affairs ("Division"), the sum of seven thousand five hundred dollars (\$7,500.00) as reasonable costs in investigation, and two thousand five hundred dollars (\$2,500.00) as penalty. Payment shall be made in installments of one thousand dollars (\$1,000.00) per month to be paid by the fifteenth of each month beginning on December 15, 1986 and continued thereafter until the fixed sum of \$10,000.00 for cost and penalty is paid in full. If the Sladkins fail to make a monthly payment of \$1,000.; the outstanding balance of the

fixed sum shall be immediately due, payable and owing and the Division may pursue all collection procedures provided by statutes and rules of Court.

4. In full satisfaction of any consumer claims on file with the Division against any of the enterprises of Nat Sladkin and Paula Sladkin, defendants shall pay jointly and severally the sum of six thousand dollars (\$6,000.00) to the Division upon signing of this Order, to be maintained by it in an interest - bearing escrow fund to pay such claims as agreed by the defendants and the Division upon entry of this judgment. The Division will notify those consumers whose claims are on file of the payment arrangement authorized by this Judgment and that such consumers shall have 90 days to accept such payment in full satisfaction of their claim or to reject such payment. Defendants acknowledge the right to those consumers who reject the settlement offers to pursue any legal remedies they may have. Any monies remaining in the fund after the above payment have been made shall be maintained by the Division in escrow for a one year period to fund any post - Judgment claims. Notwithstanding the above, should the escrow fund be insufficient to pay all legitimate consumer claims, defendants shall make such payments in full within three months of notice from the Attorney General.

5. As agreed to by the parties, any consumers claims against any of the businesses of Nat Sladkin and Paula Sladkin related to the Sale of Animals received by the Division subsequent to the entry of this Judgment shall be disposed of in the following

manner:

- A. Upon receipt, the Division shall forward all documents submitted by the claimant to Nat Sladkin and Paula Sladkin who will have 30 days from receipt thereof to respond, in writing, to the Division and contest the claim or pay the claim in full to the Division. If Nat Sladkin and/or Paula Sladkin contest the claims, the Division will review all submissions and render its decision on the claim within 30 days of receipt of the Sladkins' response. If the Division denies the claim, the Sladkins will have no liability on the claim through the N.J. Division of Consumer Affairs. If the Division determines liability on the claim, payment shall be made to the Division within (ten) 10 days of Notice to the Sladkins.
- B. If the Sladkins fail to respond to the Division's initial notice, the Division may move, ex parte, for an order of the Court to hold the Sladkins in contempt of Court and to direct immediate payment. If the Sladkins do not make a timely payment, the Division application for the above relief shall be made upon short notice to the Sladkins.
- C. Should Nat Sladkin or Paula Sladkin violate any provision of the Judgment or engage in any practice in violations of the New Jersey Consumer Fraud Act, N.J.S.A. 56:8-1 et seq. or the Sale of Animals regulations N.J.S.A. 13:45A-12.1 et seq. the Director of the Division of Consumer Affairs and the Attorney General reserve the right, upon certification setting forth the violation (s) to seek a Court Order to:
- (1) Permanently enjoin the operation of Pet Depot, Pet Barn, Pets, Pets, Pets, Inc., and any other business entity operated, or owned by Nat Sladkin and/or Paula Sladkin which engages in the sale of animals in the State of New Jersey.
  - (2) Annul the Charter of Pets, Pets, Pets, Inc. and any other New Jersey corporation which involves the sale of animals in which Nat Sladkin and Paula Sladkin

are principals as authorized by N.J.S.A.  
56:8-8.

- (3) Revoke the license of the business entities referred to in (1) to engage in the sale of animals in the State of New Jersey.
- (4) Permanently enjoin Nat Sladkin and Paula Sladkin from owning managing, controlling operating or being associated in any capacity with the business that engages in the sale of animals in the State of New Jersey.
- (5) Treat all such violations as second offenses pursuant to N.J.S.A. 56:8-13 and N.J.S.A. 56:8-18.

The Complaint in this matter is dismissed.

HENRY H. WILEY, J.S.C.  
Henry Wiley, J.S.C.

We consent to the form and entry of this Judgment.

W. CARY EDWARDS  
ATTORNEY GENERAL OF NEW JERSEY

By: Sue Pai Yang  
Sue Pai Yang  
Deputy Attorney General

Nola Truistan Longo  
NOLA TRUSTAN LONGO, ESQ.  
Attorney for all Defendants

Nat Sladkin  
NAT SLADKIN  
Defendant

Paula Sladkin  
PAULA SLADKIN